

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

HEWITT P. ROBERT, JR.,)
)
Plaintiff,)
)
v.) CIVIL ACTION NO. 3:08cv329-WKW
) (WO)
VANCE N. ABBETT, et al.,)
)
Defendants.)

ORDER

In a pleading styled “Motion to Leave and Amend VERIFIED COMPLAINT And Answer to Motions to Dismiss” (Doc. # 22), plaintiff seeks to respond to the pending motions to dismiss and to amend his complaint to add additional claims and allegations. Since no answer or motion for summary judgment has been filed in this action, plaintiff is entitled to amend his complaint “once as a matter of course.” Fed. R. Civ. P. 15(a).

However, plaintiff has interspersed factual allegations in support of his proposed amendment with arguments in opposition to the pending motions to dismiss, rendering it difficult for defendants to answer or otherwise respond to the complaint and for the court to understand the parameters of plaintiff’s claims. Accordingly, a more definite statement of plaintiff’s claims is required. Additionally, plaintiff apparently seeks to incorporate his previous claims by reference, which the court declines to allow. See Local Rule 15.1 (“Any amendment to a pleading . . . must, except by leave of court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference.”).

Accordingly, it is

ORDERED that plaintiff's motion for leave to amend is GRANTED to the extent that plaintiff may file an amended complaint, on or before **August 25, 2008**, which includes a more definite statement of his claims in this action. Plaintiff is DIRECTED to include, in the single amendment, all of the allegations and all of the claims he brings against the defendants in this action. Each claim which plaintiff intends to bring against a particular defendant must be set forth in a separate count, and must include all of plaintiff's factual allegations in support of that claim.

It is further ORDERED that defendants may respond to any such amended complaint within ten days after service of the amended pleading, as allowed by Fed. R. Civ. P. 15(a)(3).

DONE, this 13th day of August, 2008.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE